IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT : THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

Crl.MC.No. 388 of 2000(C)

S.T.NO.505/99 IN THE FILE OF THE JFCM-I, NEYYATTINKARA
C.C.NO.442/99 IN THE FILE OF THE JFCM-II, NEDUMANGAD
S.T.2026/99 IN THE FILE OF THE JFCM-I, CHERTHALA
C.C.NO.995/99 IN THE FILE OF THE JFCM-II, KOLLAM

PETITIONERS:
---

1. M.BASHEER
   DIRECTOR, KILBAN FOODS (INDIA) PVT. LTD.
   POOVATTUPARAMBA, KOZHIKODE.

2. KILBAN FOODS (INDIA) PVT. LTD.
   POOVATTUPARAMBA.

BY ADV. SRI.SHAJI P.CHALY
SRI.M.N.SANJITH

RESPONDENTS:
---

1. STATE OF KERALA REPRESENTED BY
   BY THE PUBLIC PROSECUTOR
   HIGH COURT OF KERALA, ERNAKULAM.

2. FOOD INSPECTOR, NEYYATTINKARA
   CIRCLE (FOOD INSPECTOR, PALLICHAL PANCHAYATH)
   NEYYATTINKARA, TRIVANDRUM DISTRICT.

3. FOOD INSPECTOR
   NEDUMANGAD CIRCLE
   (ADDITIONAL CHARGE NEDUMANGAD MUNICIPALITY)
   TRIVANDRUM DISTRICT.

4. FOOD INSPECTOR
   CHERTHALA MUNICIPALITY
   (CHERTHALA CIRCLE, ALAPPUZHA DISTRICT.)

5. FOOD INSPECTOR, KOLLAM CIRCLE
   CHINNAKKADA, KOLLAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 29/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.M.C.NO.388/2000

ORDER ON CRL.M.P.NO.350/2000 IN CRL.M.C.NO.388/2000

DISMISSED

29.6.2007 SD/- K.R.UDAYABHANU, JUDGE

/TRUE COPY/

P.A. TO JUDGE

K.R.UDAYABHANU, J

Crl.M.C.No.388 of 2000

Dated this the 29th day of June, 2007

O R D E R

The petitioners are the accused in S.T.No.505/99, C.C.No.442/99, S.T.No.2026/99 and C.C.No.995/99 for the offences under Section 2(ia)(a)(j) Section 7(i) Section 16(1) I-A(a) and Rules 29 (d) and 30 of the Food Adulteration Rules as it was found that the soft drink concentrate purchased by the Food Inspector from the respective shops were found to contain synthetic colour exceeding the limit prescribed under Rule 30 of the PFA Rules wherein the limit prescribed is 'not exceed 100 parts per million'.

2. The contention in the instant case is that what has been examined at the laboratory is the soft drink concentrate and not the final food or beverage for consumption. Hence, the above mode of testing adopted by the public analyst is in violation of Rule 30 of PFA Rules. For the above reason, in the above said cases the prosecution cannot be sustained. Hence, the entire proceedings initiated in the above cases S.T.No.505/99, C.C.No.442/99, S.T.No.2026/99 and C.C.No.995/99 are herewith quashed.

The Crl.M.C. is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl